Exhibit 10

Case: 1:11-cv-07189 Document #: 38-12 Filed: 01/27/12 Page 2 of 23 PageID #:643

United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,882	02/25/2011	7,835,757	Rex-7835757	6831
68468 7	590 12/09/2011		EXAM	INER ·
JON E. KAPI	PES			
	S OF STEVEN G. LISA, L	TD.	ART UNIT	PAPER NUMBER
C/O INTELLE P.O. BOX 520:	•			
MINNEAPOL	IS, MN 55402	,	DATE MAILED: 12/09/2011	I

Please find below and/or attached an Office communication concerning this application or proceeding.



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COVINGTON & BURLING, LLP ATTN: PATENT DOCKETING 1201 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004-2401

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/009,882.

PATENT NO. 7,835,757.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

		Control No.	Patent Under Reexamination			
	Notice of Intent to Issue	90/009,882	7,835,757			
	Ex Parte Reexamination Certificate	Examiner	Art Unit			
		OVIDIO ESCALANTE	3992			
,,,	The MAILING DATE of this communication appears of	n the cover sheet with the co	rrespondence address			
1. ☑ Prosecution on the merits is (or remains) closed in this <i>ex parte</i> reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. <i>Cf.</i> 37 CFR 1.313(a). A Certificate will be issued in view of (a) ☑ Patent owner's communication(s) filed: <i>O1 November 2011</i> . (b) ☐ Patent owner's late response filed:						
	Note the attached statement of reasons for patentabilinecessary by patent owner regarding reasons for patento avoid processing delays. Such submission(s) shou Patentability and/or Confirmation." Note attached NOTICE OF REFERENCES CITED (P	entability and/or confirmation ld be labeled: "Comments C	must be submitted promptly			
4. 🛛	Note attached LIST OF REFERENCES CITED (PTO/S	SB/08 or PTO/SB/08 subs	titute).			
5. 🔲	The drawing correction request filed on is:	approved	d.			
6. 🗌	6. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the certified copies have been received. not been received. been filed in Application No. been filed in reexamination Control No. been received by the International Bureau in PCT Application No. * Certified copies not received:					
7. 🗵	7. X Note attached Examiner's Amendment.					
8. 🔲	8. Note attached Interview Summary (PTO-474).					
9. 🔲	Other:					
cc: Rec	guester (if third party requester)					

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NOTICE OF INTENT TO ISSUE REEXAMINATION CERTIFICATE

1. This action is in response to the patent owner's after final response filed on November 1,

2011.

Status of the Claims

2. Original claim 1 is confirmed.

Original claims 2-20 are patentable.

New claims 21-69 are allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. The changes made by this examiner's amendment will be reflected in the reexamination certificate to issue in due course.

The examiner contacted Mr. Kappes on November 17, 2011 to discuss an issue with

respect to claims 6 and 11. As set forth in the patent owner November 1, 2011 response

"[o]riginal (and confirmed) claims 6, 11, 18, 19 and 20 have been rewritten in independent

format based on the language of original claims 2 and 9." the examiner notes that claims 6 and

11 inadvertently left out limitations of an intervening claim. Thus, the below examiner's

amendment corrects this oversight. In addition, Mr. Kappes noted that new claim 46 should refer

back to claim 45 as opposed to claim 35 and new claim 69 should refer back to claim 68 as

opposed to claim 58. The examiner agreed to this change.

Replace claim 6 with the following:

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6. [The method of claim 5] A method that communicates content from a content provider utilizing a content notification system, through a mobile radiotelephone network to a wireless communication device, the content notification system: (i) including an interface to a home location registry, (ii) configured to process data into a paging call suitable for transmission to the wireless communication device, and (iii) configured to transmit the paging call to the wireless communication device; the method comprising:

- (a) the content provider causing content available for delivery to a wireless communication device to be stored at an internet-accessible storage system;
- (b) the content provider causing a message intended for the wireless communication device to be created, the message including: (i) an identifier of the content, and (ii) a system identifier that identifies the internet-accessible storage system storing the content; wherein the content is not included in the message;
- (c) the content provider causing communication from the content notification system of a paging call including the message and intended for the wireless communication device over the mobile radiotelephone network;
- (d) the content provider receiving a request message transmitted over the mobile radiotelephone network, the request message including (i) data corresponding to the identifier of the content and the system identifier received by the wireless communication device, and (ii) a command to perform on the content;
- (e) the content provider, subsequent to receiving the request message, causing the content to be delivered to the wireless communication device via the mobile radiotelephone network;

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(f) wherein the system identifier comprises an address code; and

(g) further comprising the content provider receiving the address code from an

identification service.

Replace Claim 11 with the following:

11. The method of claim 10] A method that communicates content from a content provider utilizing a content notification system, through a mobile radiotelephone network to a wireless communication device, the content notification system: (i) including an interface to a home location registry, (ii) configured to process data into a paging call suitable for transmission to the wireless communication device, and (iii) configured to transmit the paging call to the wireless communication device; the method comprising:

(a) the content provider causing content available for delivery to a wireless communication device to be stored at one of a plurality of independently identifiable internet-accessible storage locations;

(b) the content provider causing a message intended for the wireless communication device to be created, the message including: (i) an identifier of the content, and (ii) a system identifier that identifies the internet-accessible storage location at which the content is stored from among the plurality of independently identifiable internetaccessible storage locations; wherein the content is not included in the message;

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(c) the content provider causing communication from the content notification system
of a paging call including the message and intended for the wireless communication
device over the mobile radiotelephone network;

- (d) the content provider receiving a request message transmitted over the mobile radiotelephone network, the request message including (i) data corresponding to the identifier of the content and the system identifier received by the wireless communication device, (ii) the address of the wireless communication device, and (iii) a command to perform on the content;
- (e) the content provider, subsequent to receiving the request message, causing the content to be delivered to the wireless communication device via the mobile radiotelephone network;
 - (f) wherein the system identifier comprises an address code; and
- (g) further comprising the content provider receiving the address code from an identification service.

Replace claim 46 with the following:

46. The method of claim 45 wherein the content provider, subsequent to receiving the request message, causes the updated content to be delivered to the wireless communication device via a mobile radiotelephone network.

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Replace claim 69 with the following:

69. The method of claim 68 wherein the content provider, subsequent to receiving the request message, causes the updated content to be delivered to the wireless communication device via a mobile radiotelephone network.

Information Disclosure Statement

4. With respect to the Information Disclosure Statement (PTO/SB/08A and 08B or its equivalent) considered with this action, the information cited has been considered as described in the MPEP. Note that MPEP 2256 and 2656 indicate that degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Regarding claims 1 and 19:

As set forth in the Final Rejection, the examiner noted that hat Tso discloses that the content and resources on InfoCast server A 17 may be updated at any time based on updating data from external sources (i.e., the "content providers") and through the InfoFeed interface 57 component of InfoCast server A 17, (col. 6, line 46 - col. 7, line 15). In particular, "reporter" components within InfoFeed interface 57 are responsible for storing such information retrieved

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from these external sources, (col. 7, lines 9-15). Tso discloses that InfoCast server A 17 may transmit to the user detailed content requested by the user that corresponds to an InfoBite earlier sent to that user, (col. 24, line 55 - col. 25, line 13). Tso further discloses that such detailed content may have been updated by InfoCast server A 17 based on updates received from external sources (i.e., the "content providers" of the Tso patent), (col. 6, line 46 - col. 7, line 15).

In the process described by Tso, content providers send to InfoCast servers items of information. The information from the content providers are received by the InfoFeed interface 57 and for each information received, an InfoBite is created. This InfoBite is then sent to specific client devices based upon profile information.

As noted above, the content providers can update data on the server A 17 for specific subscriber locations and times. In the process described by Tso, each item received, including updated items, would cause the InfoCast server to create an InfoBite with that new information. In accordance with the claim language, the examiner acknowledges that the claim recites the content provider first causing a message to be created and to cause this message to be sent. The claim subsequently calls for the content (i.e. the content that was previously received) to be updated "prior to receiving the request for the content". The claim notes that after the request is received, the 'updated content' is sent to the device.

In the context of Tso, while content providers can update their information at anytime, it is not clear whether the client device would receive that specific updated information since the InfoBite that they received is specifically reference to specific information that was received. This is based on Tso's disclosure that every received item is referenced and given an resource

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identifier. Tso does not disclose that the content that is already stored and given a resource

identifier would be updated.

Thus, the examiner now maintains that Tso does not specifically disclose of updating the

content (that is, the original content that was originally received and from which an InfoBite was

created) after the message has been sent but prior to receiving the request for the content and

sending the updated content to the client device of the user.

In addition, as the examiner previously noted and as set forth in the rejection of the

claims, the examiner maintained that it would have been obvious that information may be sent by

the content providers from the time period between when the InfoBite was sent and when the

Request was sent.

As set forth in the previous office action:

Tso renders obvious to one of ordinary skill in the art that an update of content at InfoCast server A 17 may occur during the interval between a user's client device receiving an InfoBite and the later event of the user requesting detailed content

corresponding to that InfoBite from InfoCast server A 17.

The examiner also maintained:

"...it would have been obvious that since content can be updated by the content providers and since there may be a time difference between when a client device/user receives the InfoBite/notification and when said user makes a request for the full content that the actual content can change. This feature would allow the client/user to receive the most

updated content based on the notification.

The examiner again agrees that content can be updated in the system of Tso. The

updating of the databases is discussed in col. 6, line 46-col. 7, line 15. As noted therein, various

content provides use InfoFeed interface 57 to updated the databases contained in the server. It is

disclosed that the content providers can update data and resources for specific subscriber

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locations and times. This allows the content providers to feed information only to selected

InfoCast server matching a specific criterion. Tso's example is based on the sending of news

events of global nature to the InfoCast server in California, but limits the type of weather

information that is sent to the California InfoCast server which is based on weather conditions

that are local to the area. Thus, in the context of 'update', Tso discloses of getting new

information, hence, updating the database with new information.

The examiner finds that while Tso can update the databases with new information at any time, Tso does not disclose that the content, that was already previously received, is updated itself. Thus, once an InfoBite is created and sent, there is no disclosure that the information content of the InfoBite can be updated after it's been created.

The examiner now maintains that Tso does not support updating the same content that was previously received.

Regarding claims 2 and 9:

The examiner first agrees that the changes incorporate the examiner suggestion of highlight that claim element (d) relates to element (b). The examiner also agrees with the patent owner that the amendment is merely clarifying and serves to moot the dispute issues with respect to claims 2 and 9.

In further detail, the examiner notes that col. 8, lines 1-10 of Tso emphasizes that "each resource identifier is a bit pattern generated by InfoFeed Interface 57 for each URL to be included in an InfoBite". Tso teaches that a resource identifier represents a fully qualified URL Case: 1:11-cv-07189 Document #: 38-12 Filed: 01/27/12 Page 13 of 23 PageID #:654

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for a resource. Thus, a resource identifier is a system identifier since a resource identifier is

representative of a fully qualified URL.

The examiner however, acknowledges that the device of Tso does not use the resource identifier to as a means to send a request signal. That is, claims 2 and 9 requires the reception of a notification that includes identifying the internet-accessible storage system storing the content. In addition, the claim further requires sending a request signal from the wireless device at the

identified storage system which is the same storage system identified in the message that was

created by the content provider

In Tso, as disclosed in e.g., col. 8, lines 48-24, after an InfoBite is received, the client devices makes a request signal to the InfoCast server. The examiner notes that Tso does not disclose that the request is made to a system identified in the received resource identifier.

It is clear that Tso does not send a request to the system identified in the resource identifier. Although the resource identifier includes a system identifier Tso's client device does not use this information but instead relies upon a separate configuration file to determine where to send the request.

Regarding claims 6 and 11:

As set forth in the Advisory Action, the patent owner contends Tso does not relate to an identification service. Rather, the above disclosure is a generic statement by Tso that various InfoCast server databases may be geographically distributed. There is no disclosure that the information used to populate those databases is received from an identification service. To the

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contrary, Tso teaches that the InfoCast system generates its own resource identifiers (see Tso, 8:2-4), and therefore does not receive them from an identification service.

The examiner notes that as set forth in the rejection, the set of server databases 50, 51, 53 and 55 do not need to be contained in server A17 and instead all of the databases can be contained outside of the InfoCast server. As set forth in the claims, the content provided must receive the address code from an identification service. As further noted in the claim, the InfoCast server inserts a resource identifier into the InfoBite message. In looking at the teachings of Tso, the InfoFeed Interface 57 generates the resource identifier for each URL. The examiner acknowledges that Tso does not disclose that the InfoFeed Interface can be located remotely from the InfoCast server.

Thus, the examiner maintains that while the databases may be remotely located and can send the resources to the content server or allow the client device to access the information directly via a URL; Tso does not disclose that the content provider or InfoCast Server receives the address code from a separate identification service.

Regarding claim 18:

As set forth in the Final Rejection, the examiner noted that the claim is directed to *inter* alia "wherein the content identifier further indicates a time the content is available".

The examiner maintained that Tso discloses that an InfoBite message sent from the InfoCast server to the user's client device includes a "Time To Live" value that indicates how long the InfoBite will remain in the client system, (col. 8, lines 1-46).

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Upon further review, the examiner maintains that Tso discloses that the time to live

indicates how long the InfoBite will remain in the client system. In response to the claim

language, the claim is directed to specifying a time that the content is available.

The examiner concedes that the InfoBite of Tso does not indicate a time that the content

is available. Instead, as Tso clearly indicates, the "Time-To-Live" value is a time value for the

InfoBite in the client device. That is, how long the InfoBite will remain in the client device.

Thus, the examiner now maintains that Tso fails to disclose wherein the content identifier further

indicates a time the content is available.

Regarding claims 21 and 22:

As set forth in the Advisory action, the limitations set forth in these claims have already

been indicated to be allowable by the examiner as set forth in claims 18-20. Thus, for the reasons

set forth therein, the examiner agrees that these claims are allowed.

Regarding claims 24 and 47:

As set forth in the advisory action, the examiner notes that these claims are similar to

confirmed claim 1 and thus the examiner agrees that for at least the reasons set forth with respect

to claim 1 (as noted in the Final Rejection), new claims 24 and 47 read away from Tso.

Regarding claims 25 and 35:

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The examiner notes that these claims require inter alia a message to be created and where the message includes "a system identifier that establishes to the wireless communication device" an address of a particular remote system to which to respond..."

As set forth in the Advisory action, the examiner notes that Tso discloses an embodiment in which the client "will first check to see if the resource to be requested from the InfoCast server is contained locally on the client through the use of the resource identifier and client resource database 71, (col. 10, lines 1-3). The examiner notes that while the client database is not equated to the claimed internet accessible location, the fact remains that based on information provided in the received InfoBite, the wireless communication device establishes to wireless device where to respond (i.e. either to respond to the InfoCast server or to its own storage).

The claim has been amended to recite that the identifier establishes to the wireless communication device "an address of a particular remote system" to which to respond. While the resource identifier causes the device to query its database, it does not provide an address of a remote system for the wireless device to respond.

Regarding claims 48 and 58:

As set forth in the Advisory Action, the examiner notes that these claims recite inter alia "the content provider causing a message intended for the wireless communication device to be created, the message including....a system identifier that establishes to the wireless communication device an address of a particular system to which to respond and identifies the internet-accessible storage system storing the content....receiving a request message...at the system established by the system identifier..."

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The examiner notes that while the system identifier (i.e. resource identifier of Tso) is a system identifier, Tso does not disclose of receiving the request (i.e. a request from the wireless device) to the system identified in the received resource identifier.

Thus, the examiner agrees that the newly cited claims 48-69 read away from Tso.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Conclusion

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By EFS: registered users may submit via the electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered.

By Mail to: Mail Stop Ex Parte Reexam

Central Reexamination Unit Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

By FAX to: (571) 273-9900

Central Reexamination Unit

By hand: Customer Service Window

Attn: Central Reexamination Unit Randolph Building, Lobby Level

401 Dulany Street Alexandria, VA 22314 Case: 1:11-cv-07189 Document #: 38-12 Filed: 01/27/12 Page 18 of 23 PageID #:659

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For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the data of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry by the patent owner concerning this communication or earlier communications from the Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/Ovidio Escalante/
Ovidio Escalante
Primary Examiner
Central Reexamination Unit - Art Unit 3992
(571) 272-7537

Conferee: /r.g.f./

Conferee: /Daniel J Ryman/

Supervisory Patent Examiner,

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Art Unit 3992

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Control Number

: 90/009,882

Filing Date

: February 25, 2011 First Named Inventor: Richard J. Helferich

Art Unit

: 3992

Examiner Name

: Ovidio Escalante

Attorney Docket No.: Rex-7,835,757

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US PATENT DOCUMENTS					
Examiner Initials		Issue Date/ Publication Date	Inventor		
/OE/	5,821,874	10/13/1998	Parvulescu et al.		
/OE/	5,867,793	2/2/1999	Davis		
/OE/	6,226,533	5/1/2001	Akahane		
/OE/	5,826,187	10/20/1998	Core et al.		

	NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials	Citation					
/OE/	Amendment Pursuant to 37 C.F.R. §§ 1.111 and 1.121 filed in Application No. 11/598,832 (6/15/2011).					

Date: August 16, 2011

Respectfully submitted,

By /Jon E. Kappes/

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/Ovidio Escalante/

11/16/2011

Case: 1:11-cv-07189 Document #: 38-12 Filed: 01/27/12 Page 20 of 23 PageID #:661

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Control Number

: 90/009,882

Filing Date

: February 25, 2011

First Named Inventor: Richard J. Helferich

Art Unit Examiner Name : 3992 : Ovidio Escalante

Attorney Docket No.: Rex-7,835,757

Page 1 of 1

US PATENT DOCUMENTS						
Examiner	Examiner US Patent Issue Date/ Inventor					
Initials	Initials Document Publication Date					
/OE/ 6,816,723 11/9/2004 David James Borland						

Date: September 14, 2011

Respectfully submitted,

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11/16/2011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 6831

SERIAL NUM		FILING OF			CLASS	GR	OUP ART	UNIT		RNEY DOCKET NO.
90/009,88	32	02/25/2	2011		455		3992		F	Rex-7835757
		RUL	E							
APPLICANTS 7,835,757, Residence Not Provided; WIRELESS SCIENCE, LLC (OWNER), CHATSWORTH, CA; CONVINGTON & BURLING, LLP (3RD.PTY.REQ.), WASHINGTON, DC; CONVINGTON & BURLING, LLP, WASHINGTON, DC										
This appl wh wh wh wh	** CONTINUING DATA **********************************									
Foreign Priority claims 35 USC 119(a-d) con-	ed ditions met /OVIDIO ESCALANT	Yes No	☐ Met aft Allowa	ter	STATE OR COUNTRY		HEETS AWINGS	TOTA CLAIN 20	MS	INDEPENDENT CLAIMS 3
——————————————————————————————————————	Examiner's	Signature	Initials							
ADDRESS JON E. KAPPES LAW OFFICES OF STEVEN G. LISA, LTD. C/O INTELLEVATE, LLC. P.O. BOX 52050 MINNEAPOLIS, MN 55402 UNITED STATES										
TITLE										
SYSTEM AND METHOD FOR DELIVERING INFORMATION TO A TRANSMITTING AND RECEIVING DEVICE										
							☐ All Fe	es		
	•						☐ 1.16 F	ees (Fili	na)	
FILING FEE FEES: Authority has been given in Paper					na Ext. of time)					
RECEIVED No to charge/credit DEPOSIT ACCOUNT										
2520 No for following: ☐ 1.18 Fees (Issue)										
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination		
90/009,882	7,835,757		
Examiner	Art Unit		
OVIDIO ESCALANTE	3992		

SEARCHED						
Class	Subclass	Date	Examiner			
None	Noen	6/10/2011	OE			
None	None	8/3/2011	OE			
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None	None	11/17/11	OE				
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SEARCH NOT (INCLUDING SEARCH)
	DATE	EXMR
Reviewed Patent File and Prosecution History	3/22/2011	OE
Reviewed related reexamination proceeding 90/009,880	6/10/2011	OE
Reviewed related reexamination proceeding 90/009,880	8/3/2011	OE
Reviewed related reexamination proceeding 90/009,880	10/17/11	OE
Reviewed related reexamination proceeding 90/009,880 and Prosecution History	11/17/11	OE

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Issue	Classification	

Application/Con	trol No. A	Applicant(s)/Patent under Reexamination	
90/009,882	7	,835,757	
Examiner	A	rt Unit	
OVIDIO ESCAL	ANTE 3	992	

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